Public Notice

US Army Corps of Engineers
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice No.
CENAP-OP-R-2007-1171

Date
NOV 16 2007

Application No.
2007-1171

File No. 2007-1171

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Caldera Properties – Indian River V, LLC

AGENT: Environmental Resources, Incorporated, Inc., Salisbury, Maryland

PROJECT NAME: Riverview

WATERWAY: Collins Creek

LOCATION: Tax Map 1-34-4, Parcel 7.01 (79.4 acres), Walters Bluff Road (CR-346-A), Millville, White Neck, Baltimore Hundred, Sussex County, Delaware.

ACTIVITY: As depicted on Enclosures 1-12 dated July 12, 2007, the applicant proposes to construct an elevated 1,256 foot long by approximately 40 feet wide earthen fill roadway and associated work through federally regulated non-tidal waters of the United States primarily vegetated with common reed (*Phragmites)*. [For wetland impact details see attached "Summary of Proposed Work Within Corps' Regulated Wetlands."]

In order to provide a road constructed to Sussex County's requirements and to minimize wetlands impacts through elimination of side slopes, the elevated road will be contained within timber pile-supported vinyl bulkhead walls. The road will consist of two 10-foot wide asphalt travel lanes with 5.5 foot wide grass shoulders on each side. The shoulders will contain a safety guardrail and a grass filter strip which provides stormwater treatment for water quality. A 5-foot wide paved pedestrian path will be located on the channelward side of the road.

To compensate for the 0.966 acre of wetland impacts, the applicant proposes to provide mitigation through the combination of restoration (2.99 acres) of common reed (*Phragmites)* dominated wetlands and the creation (0.040 acre) of wetlands from upland. The goal of the mitigation will be to provide 3.03 acres of salt marsh cordgrass (*Spartina alternifloria*) tidal wetlands.

PURPOSE: Provide access to the applicant's upland property for construction of a 72-unit planned residential community.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

Essential Fish Habitat Assessment: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (public law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH).

Effects of the Project on Essential Fish Habitat (EFH): The project is located in Essential Fish Habitat identified on Sheet 90 of Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware, March 1999. The following managed species of fish have been listed in the above referenced guide as occurring in the vicinity of the project:

Bluefish (Pomatomus saltatrix), summer flounder (Paralichthys dentatus), scup (Stenotomus chrysops), black sea bass (Centropristus striata), spiny dogfish (Squalus acanthias), tilefish (Lopholatilus chamaeleonticeps), whiting (Merluccius bilinearis), surf clam (Spisula solidissima), ocean quahog (Artica islandica), long finned squid (Loligo pealei), short finned squid (Illex illecebrosus), Atlantic butterfish (Peprilus triacanthus), Atlantic mackerel (Scomber scombrus), king mackerel (Scomberomorus cavalla), Spanish mackerel (Scomberomorus maculatus), Atlantic cod (Gadus morhua), witch flounder (Glyptocephalus cynoglossus), American plaice (Hippoglossoides platessoides), yellowtail flounder (Pleuronectes ferrugineus), ocean pout (Macrozoarces americanus), haddock (Melanogrammus aeglefinus), silver hake (Merluccius bilinearis), pollock (Pollachius virens), winter flounder (Pleuronectes americanus), summer flounder (Paralicthys dentatus), windowpane flounder (Scophthalmus aquosus), redfish (Sebastes fasciatus), red hake (Urophycis chuss), white hake (Urophycis tenuis), Atlantic halibut (Hippoglossus hippoglossus), offshore hake (Merluccius alibidus), Atlantic sea scallop (Placopecten magellanicus), Atlantic sea herring (Clupea harengus), Atlantic salmon (Salmo salar), monkfish (Lophius americanus), swordfish (Xiphias gladius), bluefin tuna (Thunnus rhynnus), bigeye tuna (Thunnus obesus), albacore (Thunnus alalunga), yellowfin tuna (Thunnus albacares), skipjack tuna (Katsuwonus pelamus), cobia (Rachycentron canadum), blue marlin (Makaira nigricans), white marlin (Tetrapturus albidus); and the following shark species: tiger (Galeocerdo cuvieri), scalloped hammerhead (Sphyrna lewini), sandbar (Carcharhinus obscurus), sand tiger (Odontaspis taurus), dusky (Carcharhinus plumbeus), basking (Cetorhinus maximus), silky (Carcharhinus falciformis), white (Carcharodon carcharias), Atlantic sharpnose (Rhizoprionodon terraenovae), Atlantic angel (Squatina dumerili), shortfin mako (Isurus oxyrinchus), longfin mako (Isurus paucus), porbeagle (Lamna nasus), thresher (Alopias vulpinus), and blue (Prionace glauca).

Analysis of the Effects: To date, it has not been determined what effect the proposed work would have on direct, indirect, site-specific, or habitat-wide impacts to EFH at the project site, or upon the managed species and their life stages listed in the above referenced EFH guide, either individually, cumulatively, or synergistically

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program.

No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

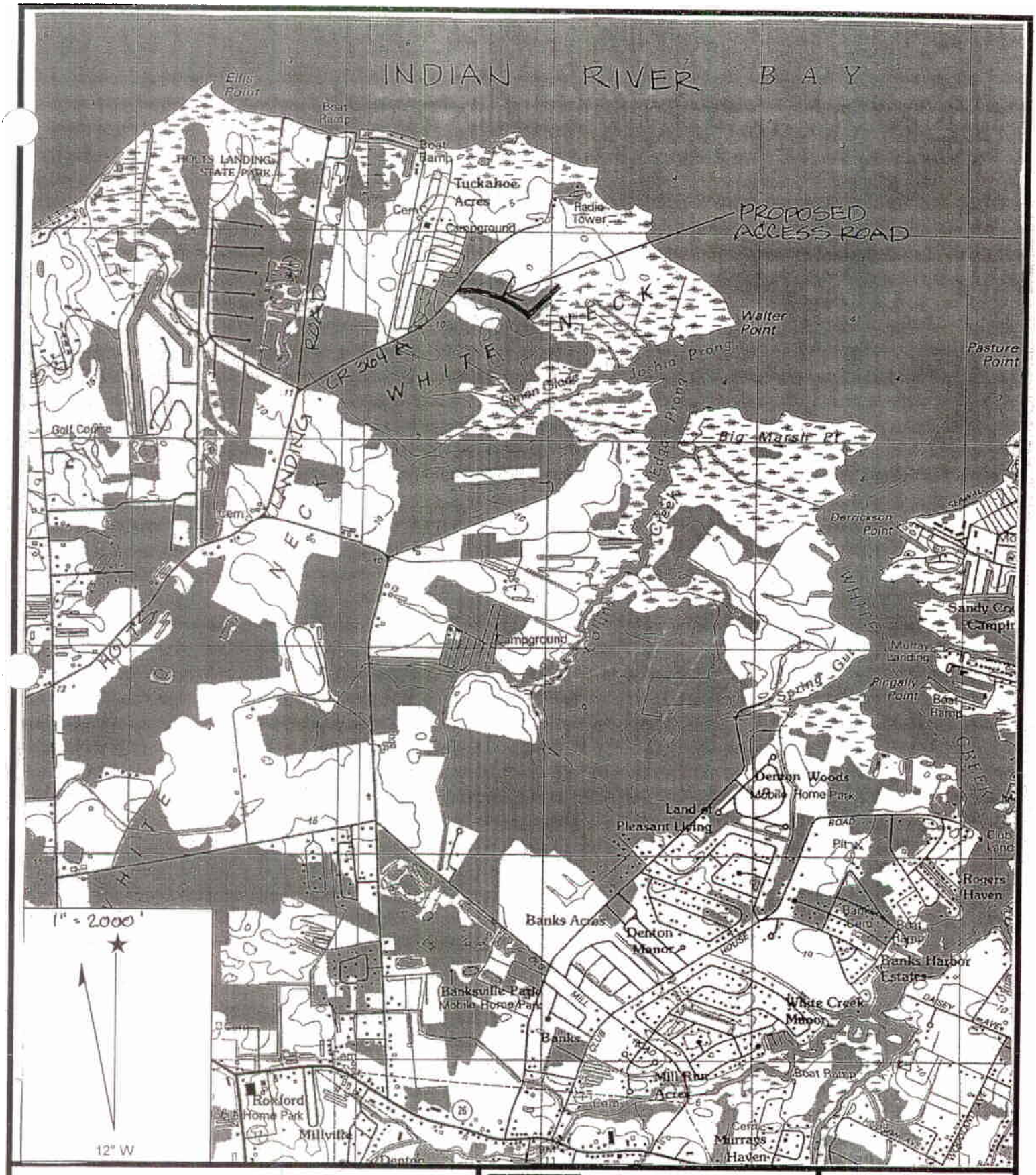
In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Kevin E. Faust at 302-736-9763 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

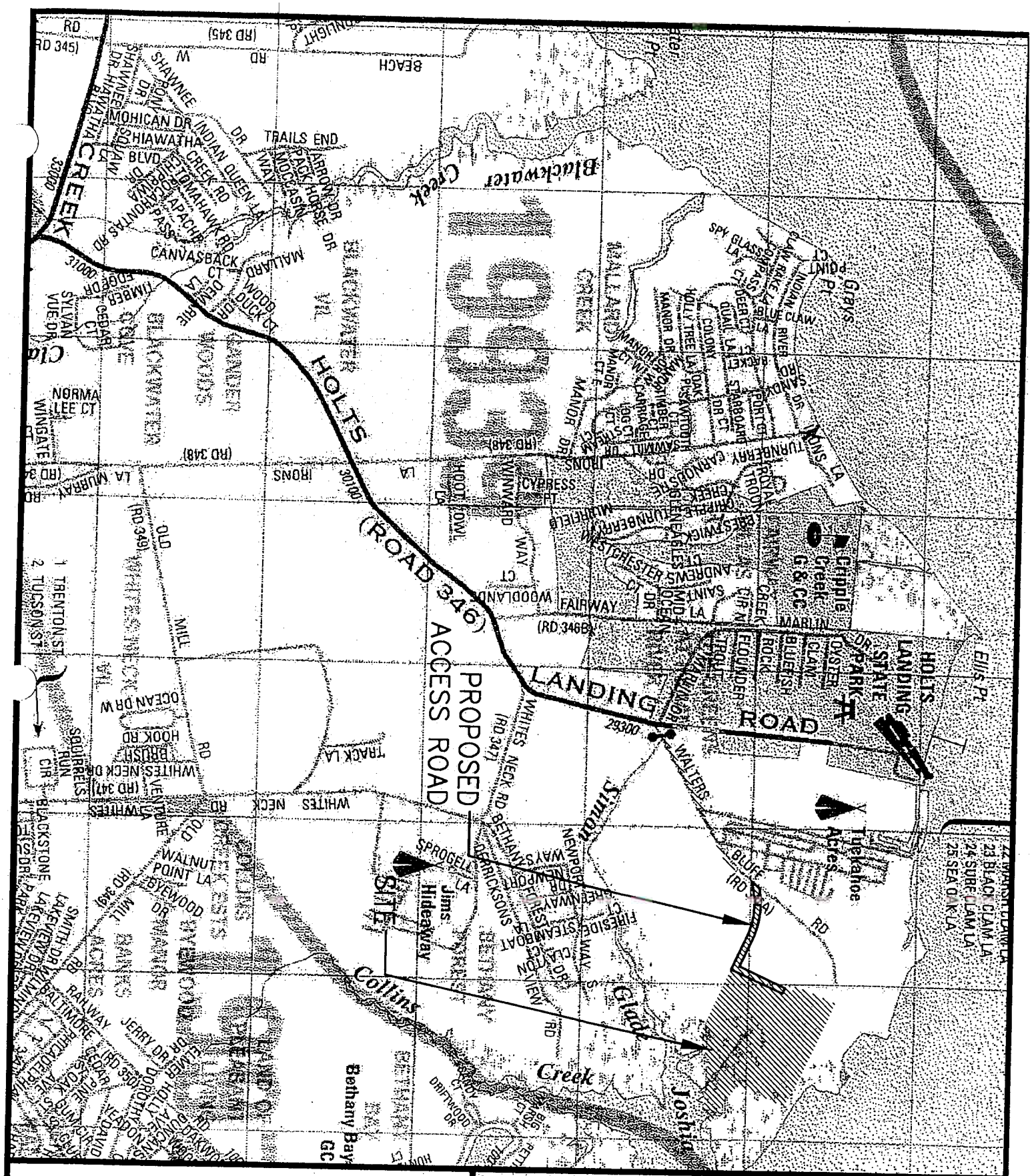
FOR Frank J. Cianfrani
Chief, Regulatory Branch



VICINITY MAP
FOR
RIVERVIEW ACCESS ROAD
SUSSEX COUNTY, DELAWARE

McCRONE
• Engineering • Environmental Sciences
• Construction Services • Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • RICHMOND • SALISBURY
110 NAYLOR MILL ROAD, SUITE 8
SALISBURY, MD 21801
PHONE 410-548-1492 • FAX 410-548-2055

DRAWN BY	SCL
SCALE	N/A
DATE	07-12-07
JOB NO.	D2060054
SHEET No.	1 of 12



LOCATION MAP

FOR

RIVERVIEW ACCESS ROAD

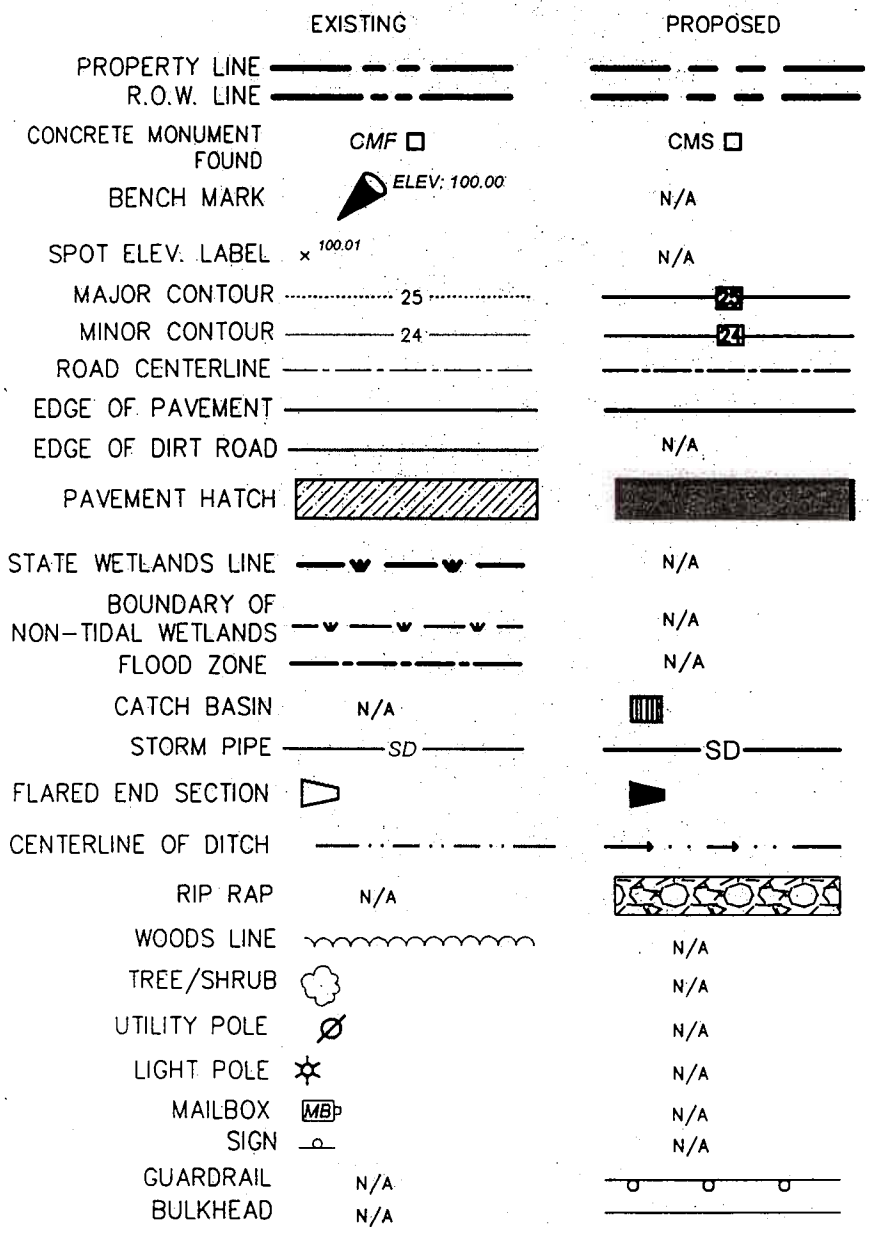
SUSSEX COUNTY, DELAWARE

CRONE

• Engineering • Environmental Sciences
• Construction Services • Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • RICHMOND • SALISBURY
119 NAYLOR MILL ROAD, SUITE 6
SALISBURY, MD 21801
PHONE 410-548-1482 • FAX 410-548-2065
www.crone-inc.com

DRAWN BY	SCL
SCALE	1" = 2000'±
DATE	07-12-07
JOB NO.	D2060054
SHEET No.	2 of 12

LEGEND



WETLAND IMPACT	
ROAD INCLUDING BULKHEAD PILES	SUBTOTAL
SECTION 404 WETLAND	34,864 S.F.
SECTION 404 WETLAND MAPPED AS DNREC TIDAL WETLAND	6,980 S.F.
RIP RAP OUTLET PROTECTION	
SECTION 404 WETLAND	186 S.F.
SECTION 404 WETLAND MAPPED AS DNREC TIDAL WETLAND	93 S.F.
TOTAL WETLAND IMPACT	42,123 S.F.

APPROXIMATE REQUIRED FILL WITHIN WETLANDS	
ROAD INCLUDING BULKHEAD PILES	SUBTOTAL
SECTION 404 WETLAND	6,356 C.Y.
SECTION 404 WETLAND MAPPED AS DNREC TIDAL WETLAND	1,414 C.Y.
RIP RAP OUTLET PROTECTION	
SECTION 404 WETLAND	10 C.Y.
SECTION 404 WETLAND MAPPED AS DNREC TIDAL WETLAND	5 C.Y.
TOTAL WETLAND FILL REQUIRED	7,785 C.Y.

WETLAND MITIGATION:

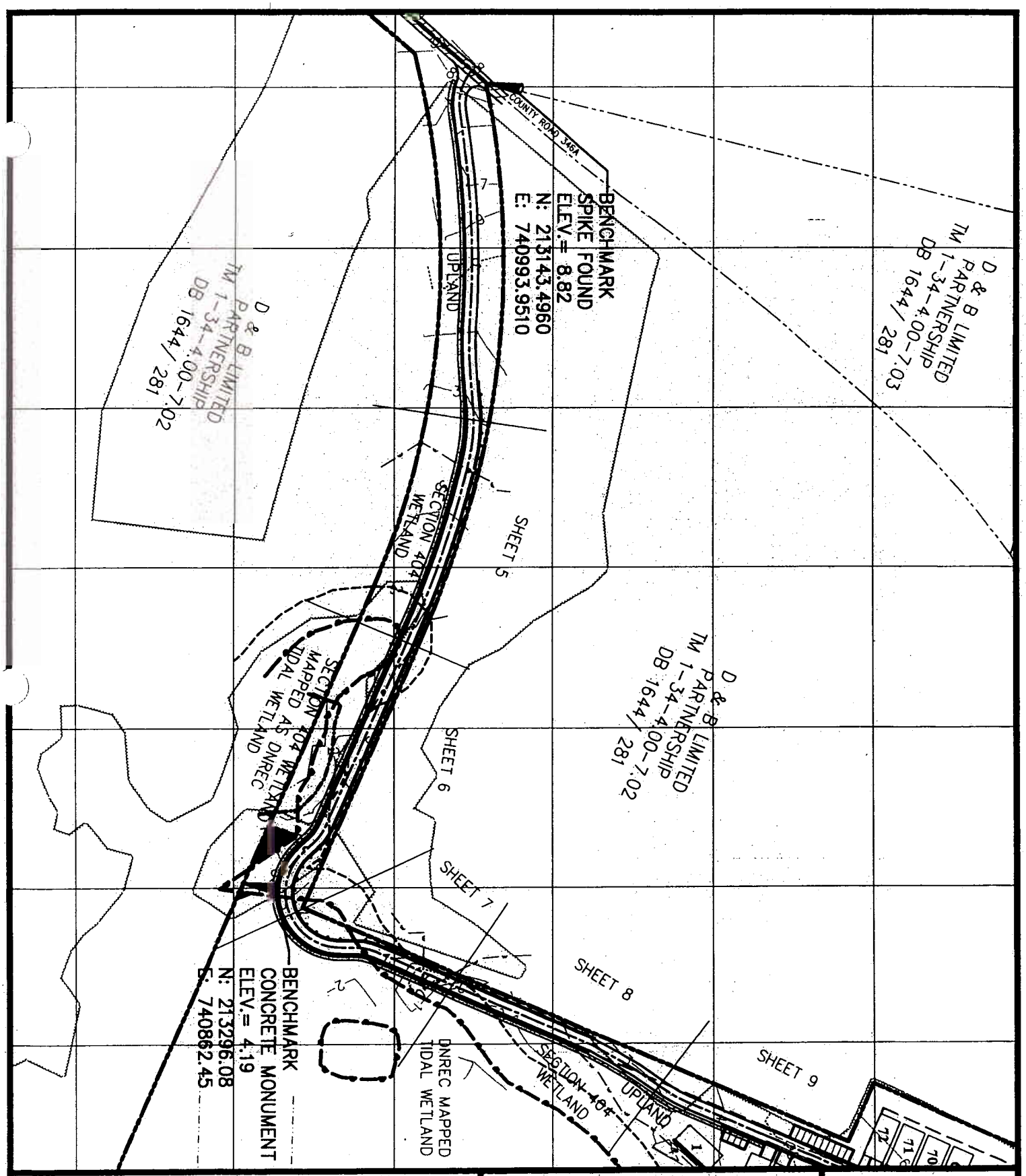
RESTORATION OF SECTION 404 PHRAGMITES WETLAND MAPPED AS DNREC TIDAL WETLAND
= 1.86 AC± = 80,984 S.F.
RESTORATION OF SECTION 404 PHRAGMITES WETLAND
= 1.13 AC± = 49,099 S.F.
CREATION OF TIDAL WETLAND FROM UPLANDS
= 0.04 AC± = 1,760 S.F.

TOTAL S. ALTERNIFLORA MARSH PROVIDED
= 3.03 AC± = 131,843 S.F.

DRAWN BY SCL
SCALE N/A
DATE 07-12-07
JOB NO. D2060054
SHEET No. 3 of 12

MCCRONE
Engineering • Construction Services • Environmental Sciences • Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • RICHMOND • SALISBURY

WETLAND IMPACT SUMMARY
FOR
RIVERVIEW ACCESS ROAD
SUSSEX COUNTY, DELAWARE



OVERALL SITE PLAN

FOR

RIVERVIEW ACCESS ROAD

SUSSEX COUNTY, DELAWARE

CRONE

Engineering • Environmental Sciences
Construction Services • Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • RICHMOND • SALISBURY
110 NAYLOR MILL ROAD, SUITE 9
SALISBURY, MD. 21801
PHONE 410-548-1482 * FAX 410-548-2055
www.crone-inc.com

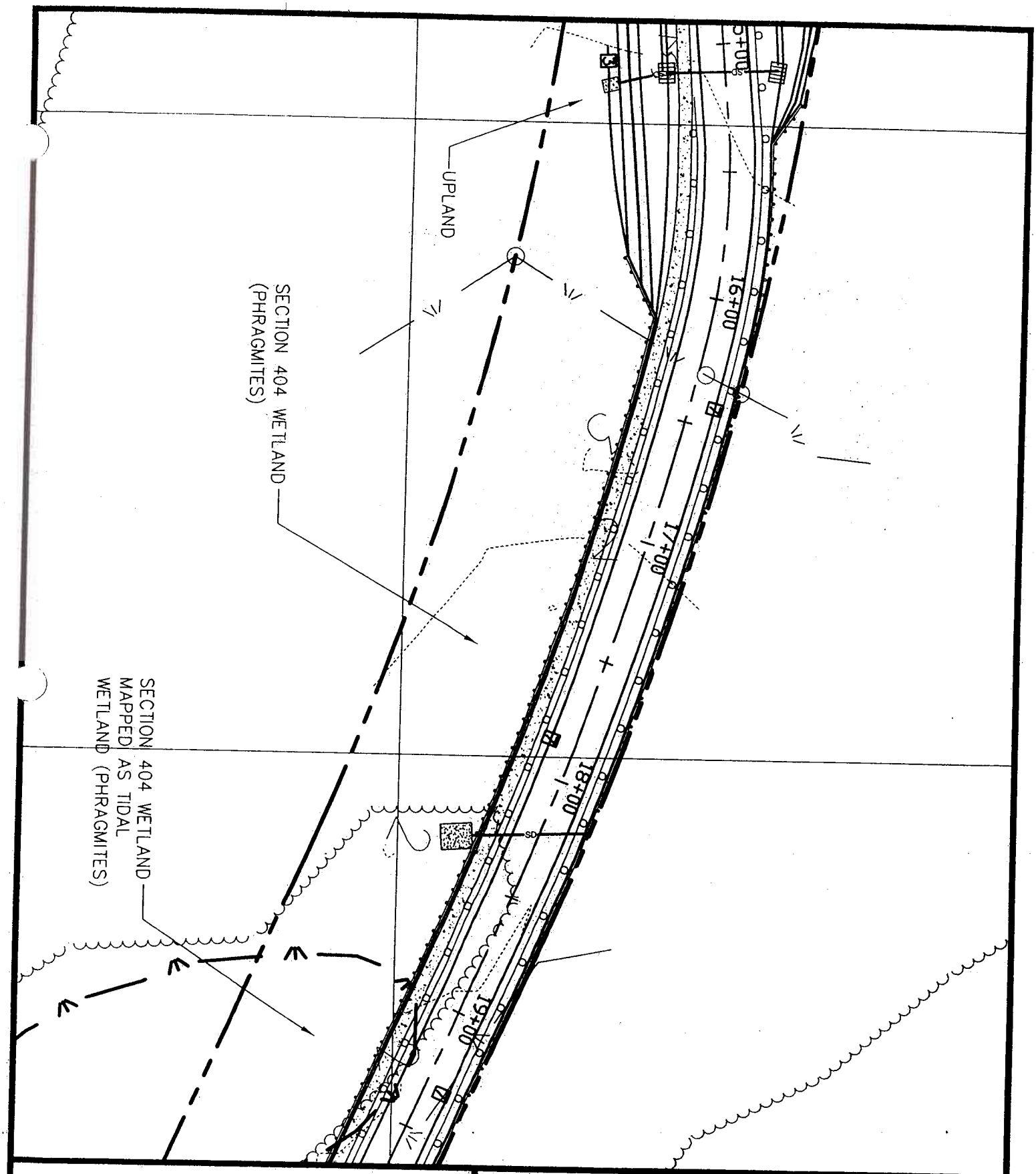
DRAWN BY SCL

SCALE 1" = 200'

DATE 07-12-07

JOB NO. D2060054

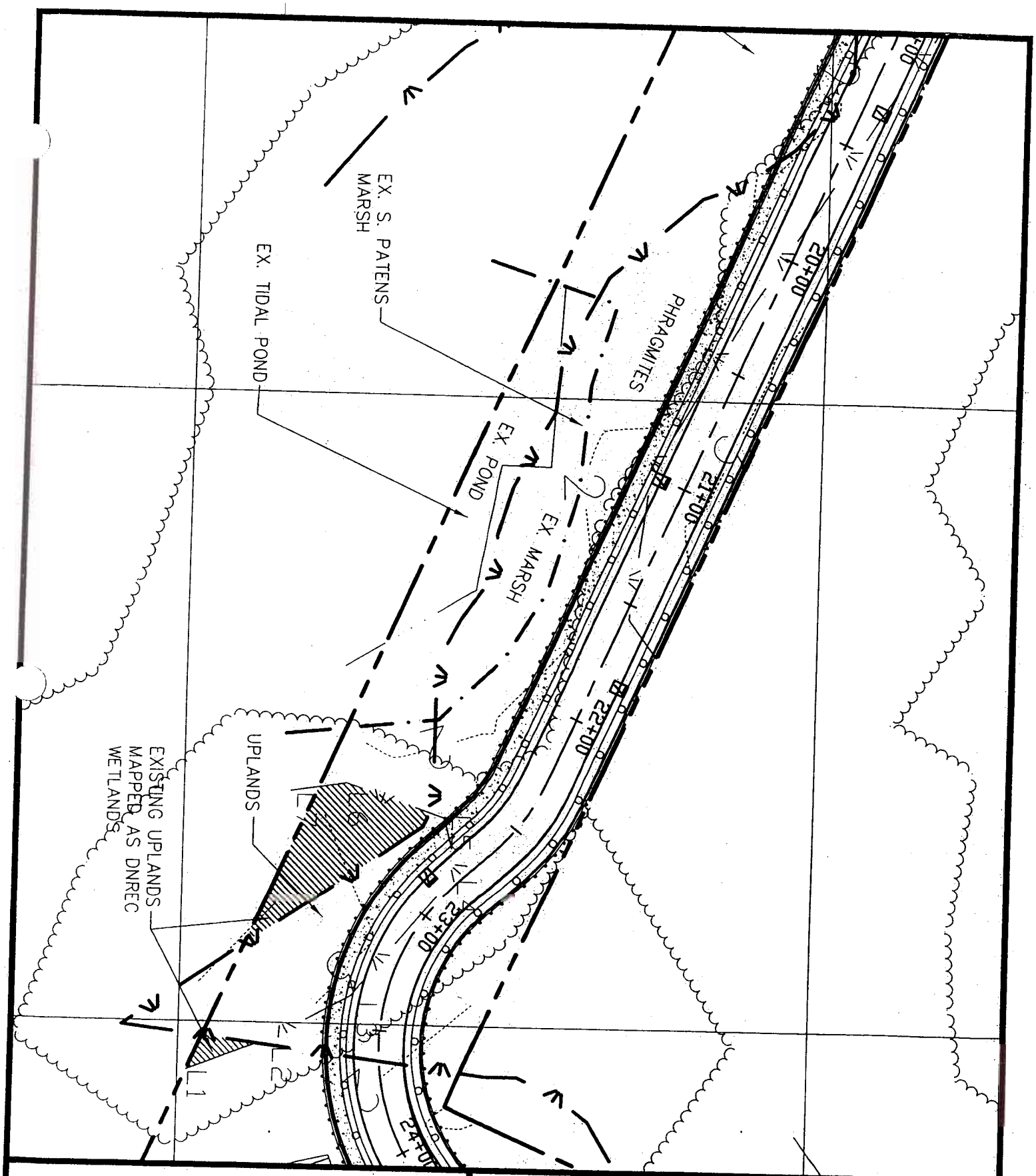
SHEET No. 4 of 12



ROAD PLAN 1
FOR
RIVERVIEW ACCESS ROAD
SUSSEX COUNTY, DELAWARE

CRONE
Engineering | Environmental Sciences
Construction Services | Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • RICHMOND • SALISBURY
119 NAYLOR MILL ROAD, SUITE B
SALISBURY, MD 21801
www.incrone-inc.com
PHONE 410-548-1492 • FAX 410-548-2055

DRAWN BY SCL
SCALE 1" = 50'
DATE 07-12-07
JOB NO. D2060054
SHEET No. 5 of 12



ROAD PLAN 2

FOR

RIVERVIEW ACCESS ROAD

SUSSEX COUNTY, DELAWARE

CRONE
Engineering • Environmental Sciences
Construction Services • Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • RICHMOND • SALISBURY
119 NAYLOR MILL ROAD, SUITE 6
SALISBURY, MD 21801
PHONE 410-548-1492 • FAX 410-548-2055
www.crone-inc.com

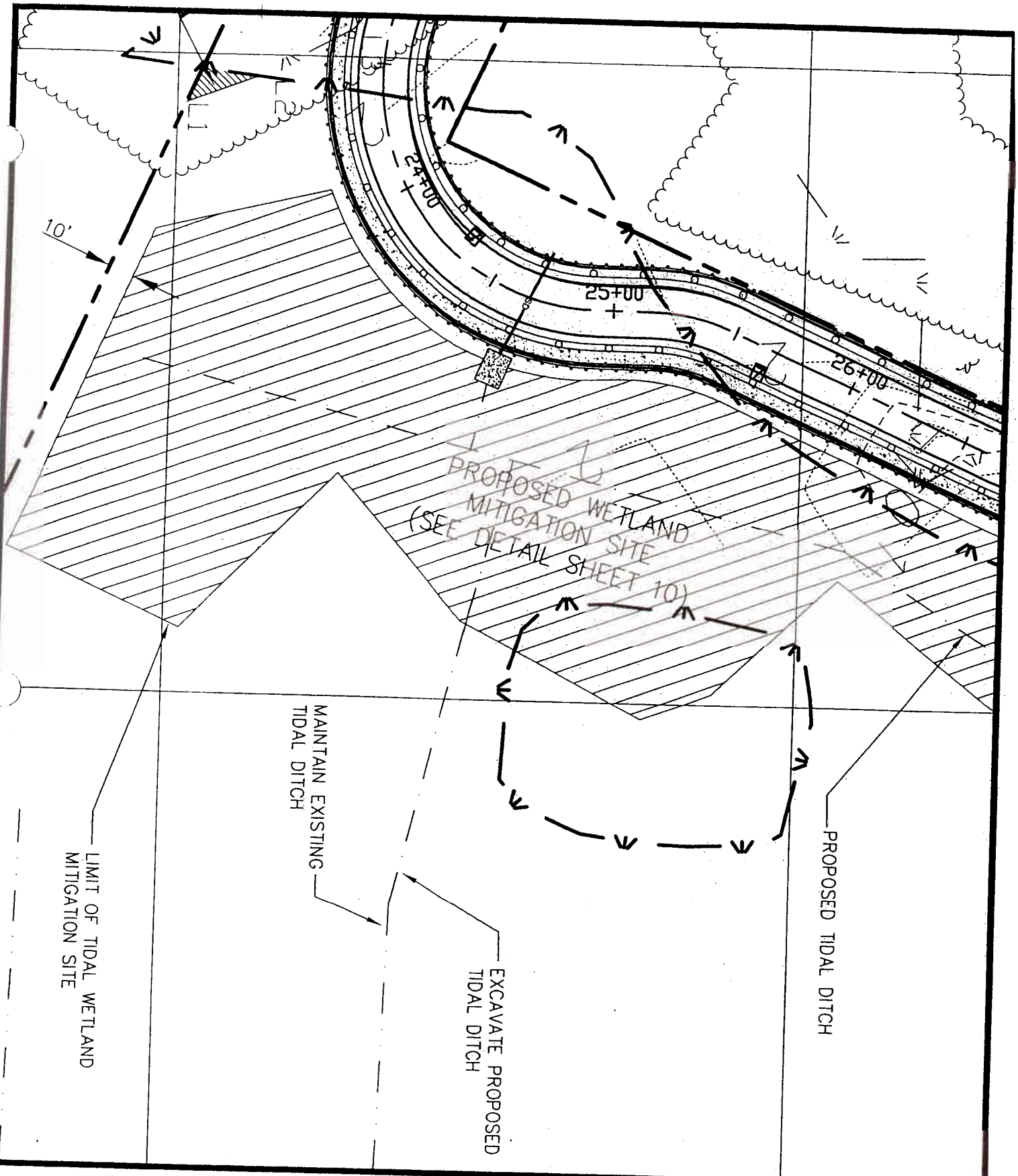
DRAWN BY SCL

SCALE 1 " = 50'

DATE 07-12-07

JOB NO. D2060054

SHEET No. 6 of 12



ROAD PLAN 3

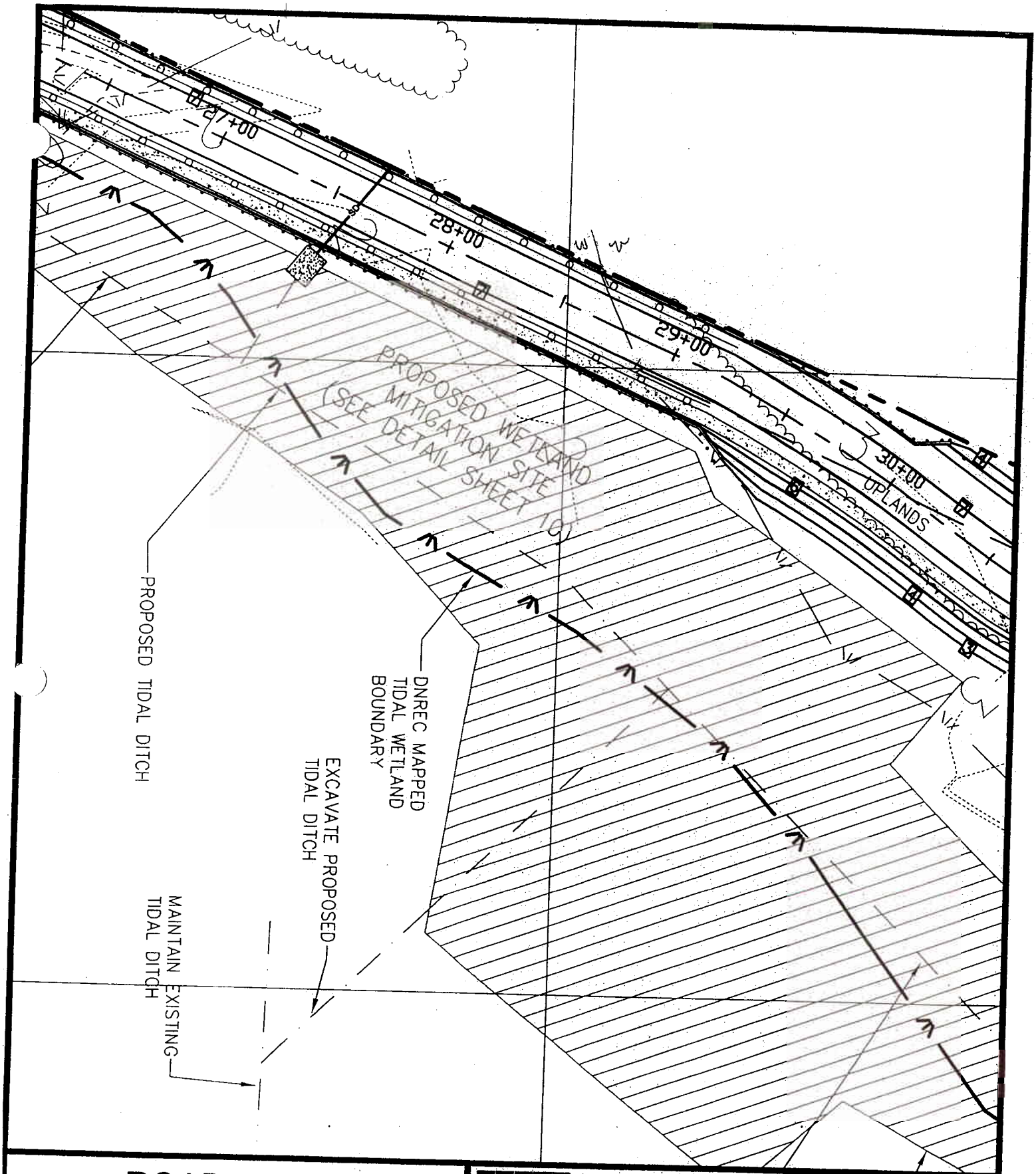
FOR

RIVERVIEW ACCESS ROAD

SUSSEX COUNTY, DELAWARE

CRONE
Engineering • Environmental Sciences
Construction Services • Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • RICHMOND • SALISBURY
119 TAYLOR MILL ROAD, SUITE 6
SALISBURY, MD. 21801
PHONE 410-548-1122 • FAX 410-548-2055
www.mcrone-inc.com

DRAWN BY SCL
SCALE 1" = 50'
DATE 07-12-07
JOB NO. D2060054
SHEET No. 7 of 12



ROAD PLAN 4

FOR

RIVERVIEW ACCESS ROAD

SUSSEX COUNTY, DELAWARE

CRONE
• Engineering • Environmental Sciences
• Construction Services • Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • RICHMOND • SALISBURY
119 TAYLOR MILL ROAD, SUITE 6
SALISBURY, MD. 21801
PHONE 410-548-1492 • FAX 410-548-2055
www.crone-inc.com

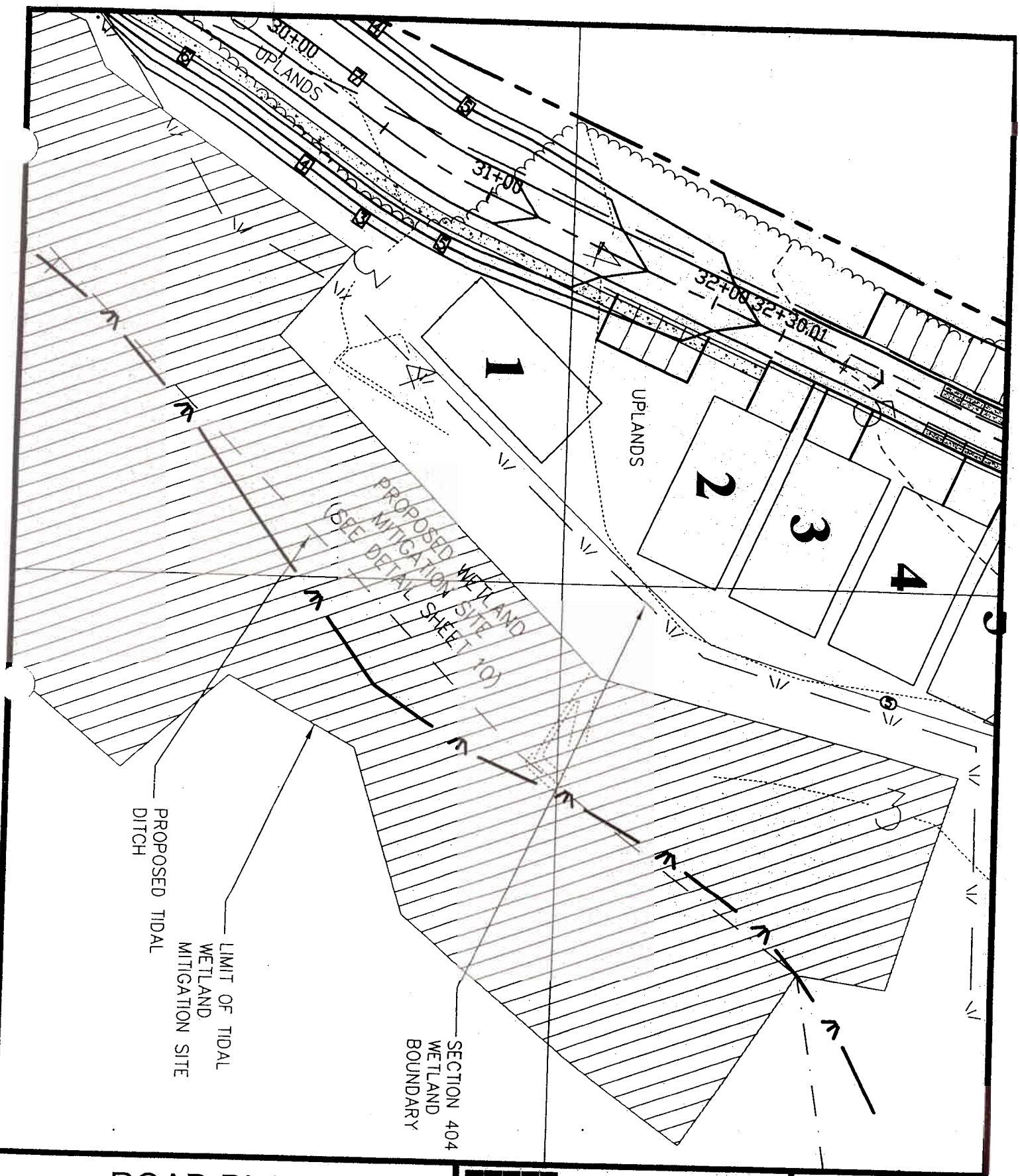
DRAWN BY SCL

SCALE 1" = 50'

DATE 07-12-07

JOB NO. D2060054

SHEET No. 8 of 12



ROAD PLAN 5

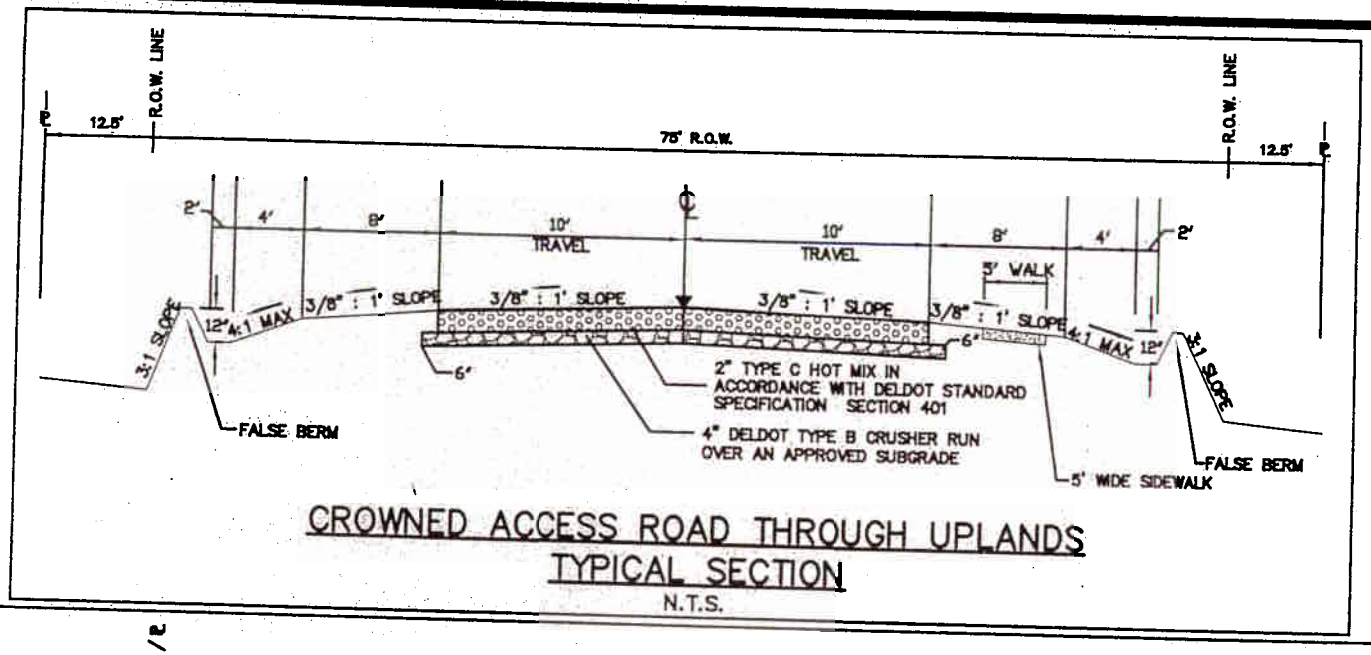
FOR

RIVERVIEW ACCESS ROAD

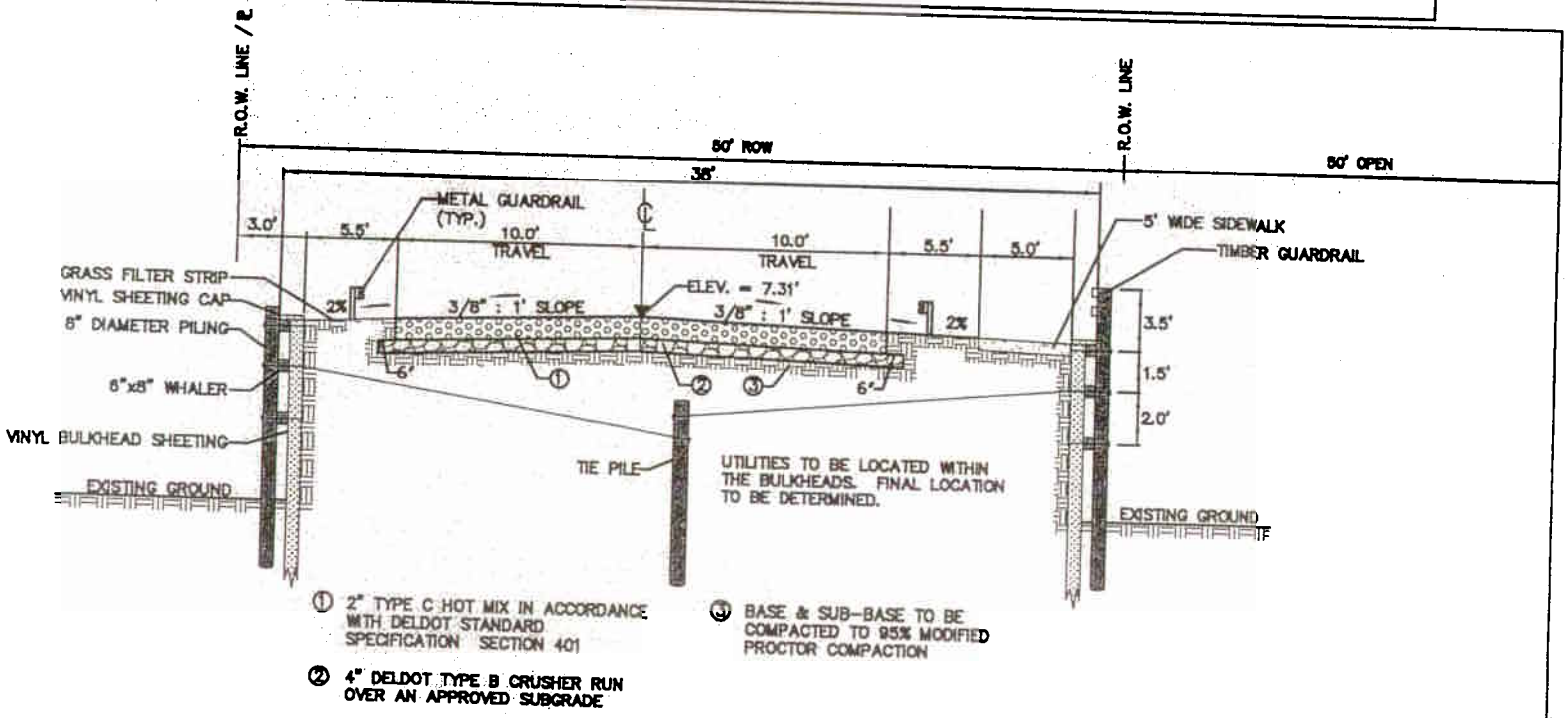
SUSSEX COUNTY, DELAWARE

CRONE
Engineering • Environmental Sciences
Construction Services • Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • RICHMOND • SALISBURY
119 NAYLOR MILL ROAD, SUITE 6
SALISBURY, MD 21801
www.crone-inc.com PHONE 410-548-1482 • FAX 410-548-2055

DRAWN BY SCL
SCALE 1" = 50'
DATE 07-12-07
JOB NO. D2060054
SHEET No. 9 of 12



CROWNED ACCESS ROAD THROUGH UPLANDS
TYPICAL SECTION
N.T.S.



BULKHEAD ACCESS ROAD THROUGH WETLANDS
TYPICAL SECTION
N.T.S.

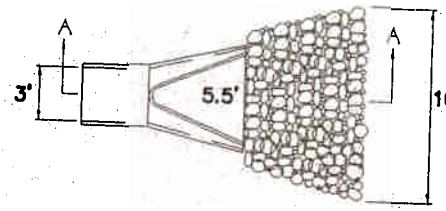
DRAWN BY SCL
SCALE N/A
DATE 07-12-07
JOB NO. D2060054
SHEET No. 10 of 12

MCRONE
• Engineering • Environmental Sciences
• Construction Services • Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • EXTON • RICHMOND • SALISBURY
118 NAYLOR MILL ROAD, SUITE 9
SALISBURY, MD. 21801
PHONE 410/546-1462 • FAX 410/546-2055
www.mcrone-inc.com

DETAILS 1
FOR
RIVERVIEW ACCESS ROAD
SUSSEX COUNTY, DELAWARE

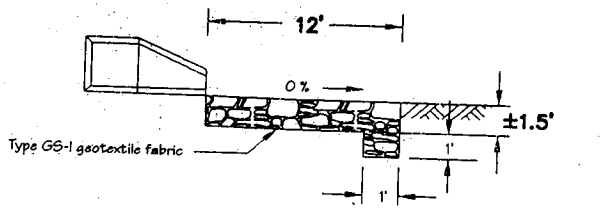
Standard Detail & Specifications

Riprap Outlet Protection - 1
IN WETLANDS



Plan

NOTE: Depress centerline of apron slightly to prevent edge-cutting



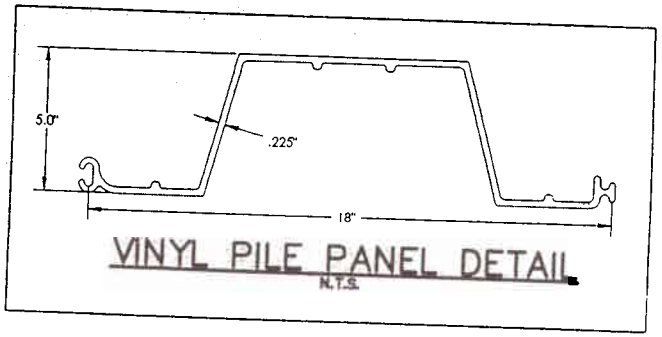
NOTE: Key into exist. gnd

Section A-A

AREA OF RIP RAP IN WETLANDS = 93 S.F.
VOLUME OF RIP RAP IN WETLANDS = ±5 C.Y.

$T_w < 0.5\ D_o$

Source:	Symbol:	Detail No.
Adapted from MD Stds. & Specs. for ESC	ROP-1	DE-ESC-3.3.10.1 Sheet 1 of 2
		Date: 6/05

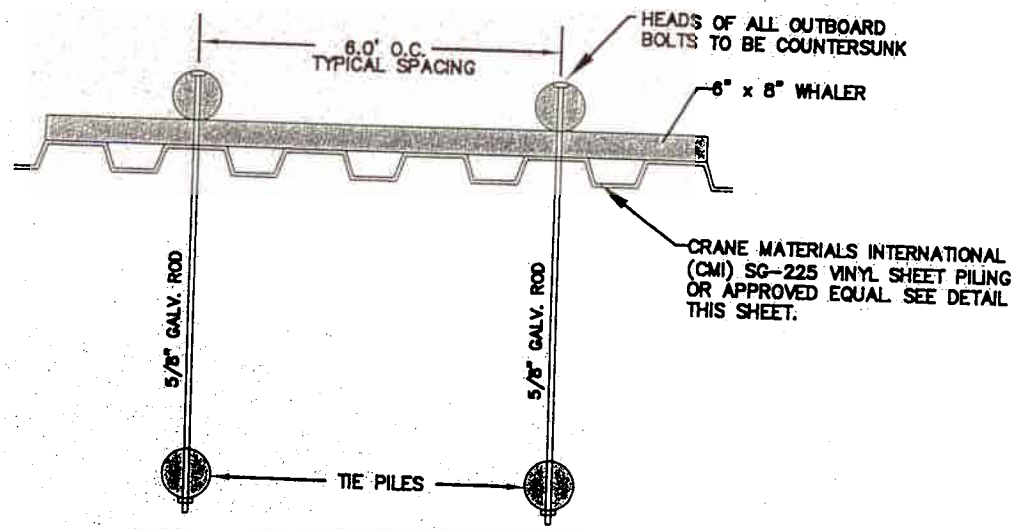


VINYL PILE PANEL DETAIL
N.T.S.

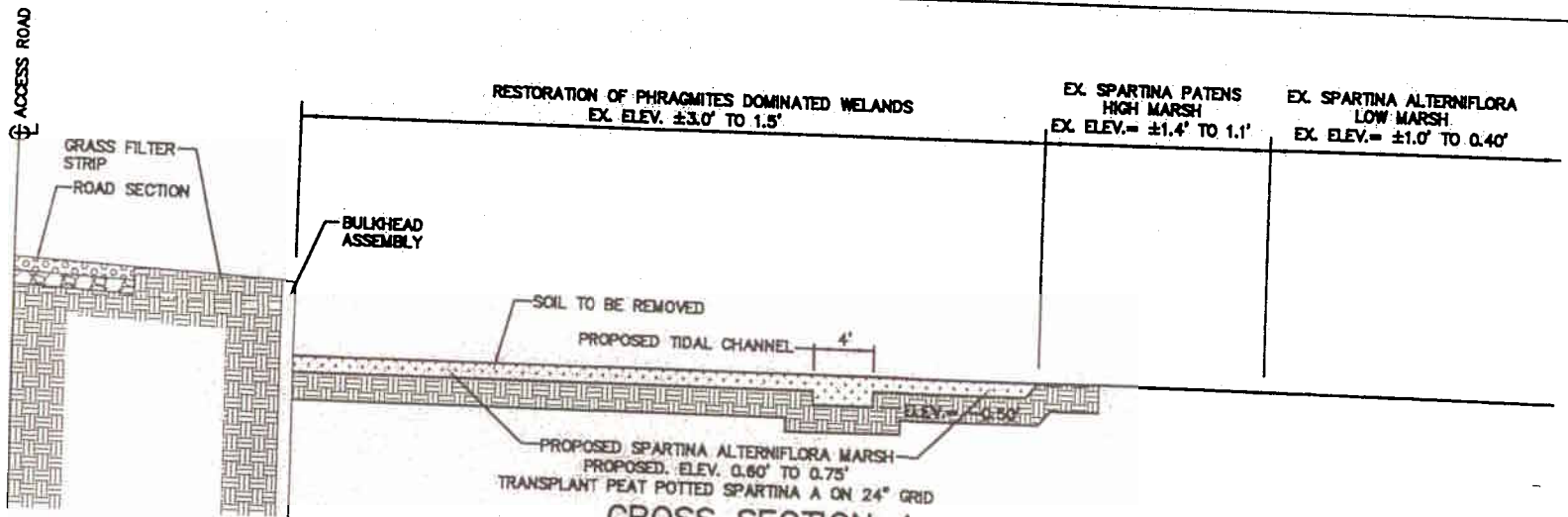
DRAWN BY SCL
SCALE N/A
DATE 07-12-07
JOB NO. D2060054
SHEET No. 11 of 12

CRONE
Engineering • Construction Services • Environmental Science • Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • ELKTON • RICHMOND • SALISBURY

DETAILS 2
FOR
RIVERVIEW ACCESS ROAD
SUSSEX COUNTY, DELAWARE



BULKHEAD SECTION DETAIL
N.T.S.



CROSS SECTION A
WETLAND MITIGATION SITE
N.T.S.

DRAWN BY SCL
SCALE N/A
DATE 07-12-07
JOB NO. D2060054
SHEET No. 12 of 12

CRONE
• Engineering
• Construction Services
• Environmental Sciences
• Land Planning & Surveying
ANNAPOLIS • CENTREVILLE • DOVER • EASTON • RICHMOND • SALISBURY
118 NAYLOR MILL ROAD, SUITE
SALISBURY, MD 21801
PHONE 410-546-9487 • FAX 410-546-5962
www.CroneInc.com

DETAILS 3
FOR
RIVERVIEW ACCESS ROAD
SUSSEX COUNTY, DELAWARE

ATTACHMENT 3

SUMMARY OF PROPOSED WORK WITHIN CORPS REGULATED WETLANDS

ACCESS ROAD

Area of Access Road Within Wetlands (Phragmites)	34,804 sq. ft.
Volume of Proposed Fill Within Wetlands	7,770 cu. yds.
Length of Proposed Bulkheading Within Wetlands	±2,100 L.F.
Number of Bulkhead Support Pilings	±350
Culverts Within Roadbed	3 - 36″ diameter, 45' long

RIPRAP OUTLET PROTECTION

Number of Outlets Within Wetlands	3
Area of Riprap Within Wetlands	27 sq. ft.
Volume of Riprap Within Wetlands	15.0 cu. yds.

WETLAND MITIGATION

Restoration of Phragmites-Dominated Wetlands	130,083 sq. ft.
Creation of Spartina Wetlands From Uplands	1,760 sq. ft.
Volume of Excavated Spoils From Wetland Mitigation Site Within Corps Wetlands Including All Ditching Activities	6,250 cu. yds.
Excavation of 4-Foot-Wide Channel Within Mitigation Site	1,280 L.F.
Excavation of New Tidal Channel Within Wetlands Between Existing Tidal Ditch and Mitigation Site	200 L.F.
Maintenance of Existing Tidal Ditches Within Corps Wetlands	±1,300 L.F.

S:\Projects 200 to 299\0265-0028.1 ASG (Riverview)\SummaryOfProposedWork.wpd